

SIEBERTH & PATTY, L.L.C.

patent attorneys

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December 14, 2005

VIA FACSIMILE 571-273-6500

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450
Attn. Refunds Branch

RE: Request for Refund
US Appln. Serial No. 10/715,584
Inventor: Ernest L. Johnson
Filed: November 18, 2003
Titled: *Automatic Hair Washing Device*
Attny Docket No.: S-0910-A

Dear Sir:

Applicant hereby requests return of fees paid by mistake in the amount of \$1,020. Attached see a copy of a Petition For Return Of Fees Paid By Mistake, filed by facsimile in this application on July 7, 2005, which details the reasons Applicant is entitled to this refund. Unfortunately, the above-referenced Petition was not acted on by the Office, prompting this re-submission of the request.

Commissioner For Patents

Page 2

December 14, 2005

Applicant requests return of the fees paid by mistake by crediting Deposit Account 502768
with \$1020.00

Respectfully submitted,

Brenda C. Harvey

R. Andrew Patty II
Reg. No. 38,992
Brenda C. Harvey
Reg. No. 50,405
SIEBERTH & PATTY LLC

Attachments

Attny Docket No. S-0910-A (filed by RA-1728)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR: ERNEST L. JOHNSON)	
)	
APPLN. NO.: 10/715,584)	GROUP ART UNIT: 3751
)	
FILED: NOVEMBER 18, 2003)	EXAMINER:
)	FETSUGA, ROBERT M.
FOR: AUTOMATIC HAIR WASHING DEVICE)	

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

PETITION FOR RETURN OF FEES PAID BY MISTAKE

Applicant hereby requests return of fees paid by mistake pursuant to 35 U.S.C. 42(d) and 37 C.F.R. 1.26. Due to extenuating circumstances surrounding the death of the previous Attorney of Record in this case, Applicant submitted a Petition For Extension Of Time Under 37 C.F.R. 1.136(a) (PTO/SB/22) together with his check for \$1080 for an extension of five months. In fact, a Reply to the Office Action mailed on March 7, 2005, which is being filed concurrently herewith, only requires payment of a fee of \$60 for a one month extension of time. Applicant validly claims Small Entity status. Thus, Applicant has paid a fee by mistake, since there is no necessity for petition of time for the additional months totaling \$ 1,020.

Applicant requests return of the fees paid by mistake by crediting Deposit Account 502768 with \$1,020.00.

Atty Docket No. S-0910-A (filed by RA-1728)

A copy of the Image File Wrapper image of Applicant's PTO/SB/22 form as received in the Patent Office on June 7, 2005 is attached for the Director's convenience.

Respectfully submitted,

Brenda C. Harvey

R. Andrew Patty II
Reg. No. 38,992
Brenda C. Harvey
Reg. No. 50,405
SIEBERTH & PATTY, LLC
4703 Bluebonnet Boulevard
Baton Rouge, Louisiana 70809

Phone: (225) 291-4600

Fax: (225) 291-4606

CERTIFICATE OF TRANSMISSION

I hereby certify that, in the course of ordinary business, this paper (along with any referred to as being attached or enclosed) is being transmitted on the date indicated below to the United States Patent and Trademark Office via facsimile number 703-872-9306.

July 2, 2005
Date

Gina R. Merritt
Gina R. Merritt

Dec. 14. 2005 11:26AM

Sieberth & Patty, LLC

No. 3982 P. 6

06-06-05

JFW
\$

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Approved for use through 07/31/2005, OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

APPLICATION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional)																								
FY 2005 (Fee pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4155))		RA-1728																								
Application Number	10/715,584	Filed 11/18/2003																								
For	Ernest L. Johnson																									
Art Unit	3751	Examiner Fetsova, Robert M.																								
<p>This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.</p> <p>The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):</p> <table border="1"> <thead> <tr> <th></th> <th>Fee</th> <th>Small Entity Fee</th> <th></th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/> One month (37 CFR 1.17(a)(1))</td> <td>\$120</td> <td>\$60</td> <td>\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Two months (37 CFR 1.17(a)(2))</td> <td>\$450</td> <td>\$225</td> <td>\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Three months (37 CFR 1.17(a)(3))</td> <td>\$1020</td> <td>\$510</td> <td>\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Four months (37 CFR 1.17(a)(4))</td> <td>\$1590</td> <td>\$795</td> <td>\$ _____</td> </tr> <tr> <td><input checked="" type="checkbox"/> Five months (37 CFR 1.17(a)(5))</td> <td>\$2160</td> <td>\$1080</td> <td>\$ 4080</td> </tr> </tbody> </table> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input checked="" type="checkbox"/> A check in the amount of the fee is enclosed. 06/08/2005 EFLORES 00000095 10715584 01 F12255 1080.00 0P</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.</p> <p><input type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____ I have enclosed a duplicate copy of this sheet.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>I am the <input checked="" type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).</p> <p><input type="checkbox"/> attorney or agent of record. Registration Number _____</p> <p><input type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p><u>Ernest L. Johnson</u> <u>6/14/05</u> Signature Date</p> <p><u>Ernest L. Johnson</u> <u>225-334-7490</u> Typed or printed name Telephone Number</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p> <p><input checked="" type="checkbox"/> Total of <u>1</u> forms are submitted.</p>				Fee	Small Entity Fee		<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ _____	<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$ _____	<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$ _____	<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$ _____	<input checked="" type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$ 4080
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<input checked="" type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$ 4080																							

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to be paid by the USPTO to persons as applicants. Confidentiality is governed by 36 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1480, Alexandria, VA 22313-4480. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1480, Alexandria, VA 22313-4480.

If you need assistance in completing the form, call 1-800-PTO-6189 and select option 2.

Attorney David RAY died in MARCH 2005 & recently was made aware of his death and Patent Office action. Need time to find another attorney. Thanks.

Dec. 14. 2005 11:26AM Sieberth & Patty, LLC

No. 3982 P. 7

P. 1

* * * Transmission Result Report (MemoryTX) (Jul. 7. 2005 5:18PM) * * *

1} Sieberth & Patty, LLC

Date/Time: Jul. 7. 2005 5:10PM

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E. 2} Busy
E. 4} No facsimile connection

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DATE: July 7, 2005

To: Examiner Robert M. Feltz
USPTO Art Unit 1751

Via Fax New 1-800-872-6306

From: R. Andrew Patty II

(Page 1 of 29)

Re: Amendment U.S. Patent
Appl. No. 10/715,584

Our ref. no.: S-0910-A
Your ref. no.: 10/715,584

Message: Please see the attached documents for filing in the above referenced application.

Recipient: Please sign and date below and return this page to us by facsimile to acknowledge safe receipt of this transmission. If there are any difficulties please advise. Thank you.

Signature: _____ Date: _____

Auto-Reply Facsimile Transmission



TO: Fax Sender at 2252914606

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29 (including cover page)

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Received
Cover
Page
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Jul 7 2005 5:57 PM Sieberth & Patty, LLC

Page 1 of 1

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DATE: July 7, 2005

To: Examiner Robert M. Fetsuga
USPTO Art Unit 3751

Via Fax No.: 1-703-872-9306

From: R. Andrew Patty II

(Page 1 of 29)

Re: Amendment U.S. Patent
Appl. No. 10/715,584

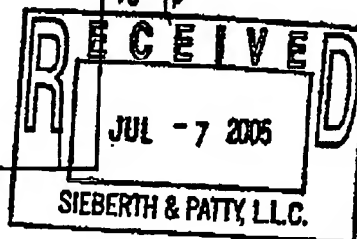
Our ref. no.: S-0910-A
Your ref. no.: 10/715,584

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Signed: _____ Date: _____

PAGE 129 * RCVD AT 7/14/2005 12:24:19 PM [Eastern Standard Time] * SVR:USPTO-EFAXF-6/29 * DNIS:2736500 * CSID:2252914606 * DURATION (mm-ss):02-10



SIEBERTH & PATTY, L.L.C.

patent attorneys

2005 DEC 14 PM 5: 51

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*Member of Louisiana and North Carolina bars.

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DATE: December 14, 2005

To: Commissioner for Patents

Via Fax No.: 1-571-273-6500

From: Brenda C. Harvey

(Page 1 of 8)

Re: Request for Refund

Our ref. no.: S-0910-A

Your ref. no.: 10/715,584

Message: Please see attached letter.

Recipient: Please sign and date below and return this page to us by facsimile to acknowledge safe receipt of this transmission. If there are any difficulties please advise. Thank you.

Signed: _____ **Dated:** _____

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PTO/SB/22 (12-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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APPLICATION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) RA-1728	
FY 2005 (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818))			
Application Number 10/715,584		Filed 11/18/2003	
For Ernest L. Johnson			
Art Unit 3751		Examiner Fetsuca, Robert M.	
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.			
The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):			
	Fee	Small Entity Fee	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$80	\$ _____
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<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.			
<input checked="" type="checkbox"/> A check in the amount of the fee is enclosed. 06/08/2005 EFLDRES 00000095 10715584			
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. 01-FC-2255 1080.00 OP			
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.			
<input type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____ I have enclosed a duplicate copy of this sheet.			
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
I am the <input checked="" type="checkbox"/> applicant/inventor.			
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).			
<input type="checkbox"/> attorney or agent of record. Registration Number _____			
<input type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____			
Ernest L. Johnson Signature		6/14/05 Date	
Ernest L. Johnson Typed or printed name		225-334-7490 Telephone Number	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input checked="" type="checkbox"/> Total of 1 forms are submitted.			

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Attorney David Ray died in March 2005 I recently was made aware of his death and Patent Office action. Need time to find another attorney. Thanks Ernest Johnson

Repln. Ref: 01/06/2006 EEKUBAY1 0011244700
DAH:502768 Name/Number:10715584
FC: 9204 \$1080.00 CR

Adjustment date: 01/06/2006
06/08/2005 EFLDRES 00000095 10715584
01 FC-2255 -1080.00 OP

ATTENTION ATTENTION ATTENTION

Method of Refund:

☐ ACH/EFT

☐ Credit Card

☒ Deposit Account # 50-2768

☐ Treasury Check

Patent/TM/App/Serial # 10,715,584

Program Area Teeth Centre 3751

Date Processed 12-30-05

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